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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
MARCUS ASAY,  
  
Defendant.

CASE NO. 1:22-CR-00162-NODJ-BAM

JOINT STATUS REPORT; STIPULATION AND  
ORDER TO CONTINUE STATUS CONFERENCE

**BACKGROUND**

This matter is currently scheduled for a status conference on January 22, 2025. Doc. 31. On January 3, 2025, the Court directed the parties to file a joint status report addressing issues for the Court's assessment regarding the current trial date of April 22, 2025. *Id.* In particular, the Court ordered the parties to "inform the Court of (1) whether the parties anticipate they will be ready to proceed to trial as scheduled; (2) what kind of motions and the number of motions each party anticipates will need to be resolved in advance of trial (e.g., in limine, motion to dismiss, suppression, other motions), (3) a proposed briefing schedule for resolution of the motions in advance of trial, and (4) any other information to aid the Court in keeping the trial date currently scheduled."

The parties request that the Court continue the status conference to March 12, 2025.

Preparation for trial and possible resolution of this matter by trial or plea may be influenced by the sentence defendant receives in *United States v. Agricultural Contracting Services Association et al.*,

1 1:19-cr-0003-DAD. The *Agricultural Contracting Services Ass'n* case is scheduled for sentencing on  
2 March 3, 2025.

3 Regarding the categories identified by the Court:

4 (1) Whether the parties anticipate they will be ready to proceed to trial as scheduled

5 The parties are also discussing whether to request continuance of the trial date. A continuance of  
6 the status conference will allow the parties to finalize those discussions. The government is prepared to  
7 proceed on April 22 as currently scheduled. The parties will continue to prepare during this time.

8 (2) What kind of motions and the number of motions each party anticipates will need to be  
9 resolved in advance of trial (e.g., in limine, motion to dismiss, suppression, other motions)

10 Neither party has currently identified any such motions.

11 (3) A proposed briefing schedule for resolution of the motions in advance of trial

12 While this is not applicable given the answer above, the parties will confer and propose a  
13 schedule should any such motions arise.

14 (4) Any other information to aid the Court in keeping the trial date currently scheduled.

15 The parties are not currently negotiating a resolution, but as noted above, expect that the March 3  
16 sentencing date may give rise to further negotiations.

17 **STIPULATION AND [PROPOSED] ORDER**

18  
19 **IT IS HEREBY STIPULATED** by and between the parties hereto, and through their respective  
20 attorneys, that the status conference currently set for January 22, 2025 be continued to March 12, 2025.  
21 Time has previously been excluded until April 22, 2025 (Doc. 30) under the Speedy Trial Act for  
22 defense preparation and continuity of counsel, and the parties agree that time should continue to be  
23 excluded.  
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Respectfully submitted,

MICHELE BECKWITH  
Acting United States Attorney

DATED: January 21, 2024

By: /s/ Michael G. Tierney  
Michael G. Tierney  
Assistant United States Attorney

DATED: January 21, 2025

By: /s/ Anthony P. Capozzi  
Anthony P. Capozzi  
Attorney for Marcus Asay

**ORDER**

IT IS SO ORDERED that the status conference is continued from January 22, 2025, to **March 12, 2025, at 1:00 p.m. in Courtroom 8 before Magistrate Judge Barbara A. McAuliffe**. Time was previously excluded through the trial date of April 22, 2025.

IT IS SO ORDERED.

Dated: January 21, 2025

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE